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Commissioner for Patents

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Alexandria, VA 22313

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1/7/2004

Date of Deposit

Timothy K. Klintworth, Esq., Reg. No. 46,162

Name of applicant, assignee or
Registered Representative

T. K. Klintworth

Signature

1/7/2004

Date of Signature

Our Case No.: 10000/227

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John Mugan et al.

Serial No: 10/731,500

Examiner: Not Yet Assigned

Filed: December 9, 2003

Group Art Unit: Not known

For: CYTOLOGY COLLECTION
DEVICE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Pursuant to the waiver of the rules change effective June 30, 2003 Information Disclosure Statements may be filed without copies of U.S. patents and U.S. published applications for applications filed after June 30, 2003, (see 37 CFR 1.98 (a)

(2) (i)), copies of U.S. patent documents are not required and therefore are not being submitted herewith inasmuch as the captioned application was filed in the USPTO after June 30, 2003.

The references now cited are the following:

US Patent Documents

DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME
1,711,352	04/1929	Jeffreys
2,739,585	03/1956	Ayre
2,839,049	06/1958	MacLean
2,955,592	10/1960	MacLean
3,074,396	01/1963	MacLean
3,613,664	10/1971	Willson et al.
4,235,244	11/1980	Abele et al.
4,271,845	06/1981	Chikashige et al.
4,763,670	08/1988	Manzo
4,766,907	08/1988	de Groot et al.
4,869,259	09/1989	Elkins
4,893,635	01/1990	de Groot et al.
4,966,162	10/1990	Wang
5,056,529	10/1991	de Groot
5,111,828	05/1992	Kornberg et al.
5,146,928	09/1992	Esser
5,201,323	04/1993	Vermeulen
5,217,023	06/1993	Langdon
5,273,051	12/1993	Wilk
5,279,610	01/1994	Park et al.
5,297,560	03/1994	Meduri
5,427,115	06/1995	Rowland et al.
5,449,001	09/1995	Terwilliger
5,456,265	10/1995	Yim
5,474,075	12/1995	Goldberg et al.
5,535,756	07/1996	Parasher
5,588,436	12/1996	Narayanan et al.
5,713,369	02/1998	Tao et al.
5,722,423	03/1998	Lind et al.
5,766,135	06/1998	Terwilliger
5,769,795	07/1998	Terwilliger
5,792,074	08/1998	Turkel et al.
5,800,389	09/1998	Burney et al.
5,830,153	11/1998	Kass
5,899,850	05/1999	Ouchi
6,015,391	01/2000	Rishton et al.
6,053,871	04/2000	Cockburn
6,053,876	04/2000	Fisher
6,093,155	07/2000	Ouchi
6,203,524 B1	03/2001	Burney et al.
US 2001/0001811 A1	05/2001	Burney et al.

DOCUMENT NUMBER <small>Number-Kind Code (If known)</small>	DATE	NAME
6,248,081 B1	07/2001	Nishtalas et al.
6,258,044 B1	07/2001	Lonky et al.
US 2001/0023323 A1	09/2001	Nishtala et al.
6,297,044 B1	10/2001	Eisen et al.
US 2001/0053920 A1	12/2001	Shaker
6,361,504 B1	03/2002	Shin
US 2002/0049385 A1	04/2002	Booker et al.
US 2003/0040681 A1	02/2003	Ng et al.
6,551,254 B2	04/2003	Nishtalas et al.
US 2003/0093008 A1	05/2003	Van Bladel et al.
US 2003/0120176 A1	06/2003	Reeves et al.
US 2003/0158498 A1	08/2003	Bakry

Additionally, a sales representative, Douglas D. Ryder, employed by one of the assignees of this patent application, Wilson-Cook, Inc., attended a presentation given by a third party, a Doctor William Brugge, on September 18, 2003 at Massachusetts General Hospital. The presentation was not open to the public and was by invitation only. During the presentation, a cytology collection device which appeared to be similar to applicants' claimed invention was demonstrated. However, applicants conceived their claimed invention prior to September 18, 2003, and applicants diligently reduced their claimed invention to practice.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

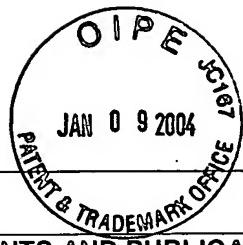
Applicant(s) respectfully request that the listed documents be made of record in
the present case.

Respectfully submitted,



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FORM PTO-1449	SERIAL NO. 10/731,500	CASE NO. 10000/227
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE December 9, 2003	GROUP ART UNIT Not known
	APPLICANT(S): John Mugan, ET AL.	

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
A1	1,711,352	04/1929	Jeffreys		
A2	2,739,585	03/1956	Ayre		
A3	2,839,049	06/1958	MacLean		
A4	2,955,592	10/1960	MacLean		
A5	3,074,396	01/1963	MacLean		
A6	3,613,664	10/1971	Willson et al.		
A7	4,235,244	11/1980	Abele et al.		
A8	4,271,845	06/1981	Chikashige et al.		
A9	4,763,670	08/1988	Manzo		
A10	4,766,907	08/1988	de Groot et al.		
A11	4,869,259	09/1989	Elkins		
A12	4,893,635	01/1990	de Groot et al.		
A13	4,966,162	10/1990	Wang		
A14	5,056,529	10/1991	de Groot		
A15	5,111,828	05/1992	Kornberg et al.		
A16	5,146,928	09/1992	Esser		
A17	5,201,323	04/1993	Vermeulen		
A18	5,217,023	06/1993	Langdon		
A19	5,273,051	12/1993	Wilk		
A20	5,279,610	01/1994	Park et al.		
A21	5,297,560	03/1994	Meduri		
A22	5,427,115	06/1995	Rowland et al.		
A23	5,449,001	09/1995	Terwilliger		
A24	5,456,265	10/1995	Yim		
A25	5,474,075	12/1995	Goldberg et al.		
A26	5,535,756	07/1996	Parasher		
A27	5,588,436	12/1996	Narayanan et al.		
A28	5,713,369	02/1998	Tao et al.		
A29	5,722,423	03/1998	Lind et al.		
A30	5,766,135	06/1998	Terwilliger		
A31	5,769,795	07/1998	Terwilliger		
A32	5,792,074	08/1998	Turkel et al.		
A33	5,800,389	09/1998	Burney et al.		
A34	5,830,153	11/1998	Kass		
A35	5,899,850	05/1999	Ouchi		
A36	6,015,391	01/2000	Rishton et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;
 Draw line through citation if not in conformance and not considered. Include copy of this form with next
 communication to applicant.

FORM PTO-1449 LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)		SERIAL NO. 10/731,500	CASE NO. 10000/227
		FILING DATE December 9, 2003	GROUP ART UNIT Not Known
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EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A37 6,053,871	04/2000	Cockburn		
	A38 6,053,876	04/2000	Fisher		
	A39 6,093,155	07/2000	Ouchi		
	A40 6,203,524 B1	03/2001	Burney et al.		
	A41 US 2001/0001811 A1	05/2001	Burney et al.		
	A42 6,248,081 B1	07/2001	Nishtalas et al.		
	A43 6,258,044 B1	07/2001	Lonky et al.		
	A44 US 2001/0023323 A1	09/2001	Nishtala et al.		
	A45 6,297,044 B1	10/2001	Eisen et al.		
	A46 US 2001/0053920 A1	12/2001	Shaker		
	A47 6,361,504 B1	03/2002	Shin		
	A48 US 2002/0049385 A1	04/2002	Booker et al.		
	A49 US 2003/0040681 A1	02/2003	Ng et al.		
	A50 6,551,254 B2	04/2003	Nishtalas et al.		
	A51 US 2003/0093008 A1	05/2003	Van Bladel et al.		
	A52 US 2003/0120176 A1	06/2003	Reeves et al.		
	A53 US 2003/0158498 A1	08/2003	Bakry		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)

EXAMINER	DATE CONSIDERED
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EXAMINER INITIAL	OTHER ART
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